

Maxcess, Inc.

Competitive Access Provider

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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KENTUCKY

TELECOMMUNICATIONS ACCESS SERVICES TARIFF

OF

**Maxcess, Inc.**

This tariff contains the descriptions, regulations and rates applicable to the furnishing of competitive access service and facilities for telecommunications services provided by Maxcess, Inc. ("Maxcess") within the State of Kentucky. This tariff is on file with the Kentucky Public Service Commission. Copies may be inspected during normal business hours at the Company's legal offices at 315 Calhoun Street, Suite 314, Tallahassee, Florida 32301.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

BY: Stephan D. Bell  
SECRETARY OF THE COMMISSION

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Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

## COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

## CHECK SHEET

Pages of this tariff are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

PAGE	REVISION	PAGE	REVISION
Title	Original *	26	Original *
1	Original *	27	Original *
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KYA0001

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**SYMBOLS**

The following are the only symbols used for the purposes indicated below:

- D** Delete or discontinue.
- I** Change resulting in an increase to a customer's bill.
- M** Moved from another tariff location.
- N** New.
- R** Change resulting in a reduction to a customer's bill.
- T** Change in text or regulation but no change in rate or charge.

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**TARIFF FORMAT**

**A. Page Numbering** - Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new pages are occasionally added to the tariff. When a new page is added between pages already in effect, a decimal is added. For example, a new page added between pages 14 and 15 would be 14.1.

**B. Page Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current page version on file with the Commission. For example, the 4th revised Page 14 cancels the 3rd revised Page 14. Because of various suspension periods, deferrals, etc. the Commission follows in its tariff approval process, the most current page number on file with the Commission is not always the page in effect. Consult the Check Sheet for the page currently in effect.

**C. Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to the next higher level:

- 2.
- 2.1
- 2.1.1
- 2.1.1.A.
- 2.1.1.A.1.
- 2.1.1.A.1.(a)
- 2.1.1.A.1.(a).I.
- 2.1.1.A.1.(a).I.(i).
- 2.1.1.A.1.(a).I.(i).(1).

**D. Check Sheets** - When a tariff filing is made with the FCC, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the pages contained in the tariff, with a cross-reference to the current revision number. When new pages are added, the Check Sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc. remain the same, just revised revision levels on some pages.) The tariff user should refer to the latest Check Sheet to find out if a particular page is the most current on file with the FCC.

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**SECTION 1 - DEFINITIONS**

**Access Code** - A uniform seven digit code assigned by the Company to an individual Customer. The seven digit code has the form 950-XXXX or 101XXXX.

**Access Minutes** - The term "Access Minutes" denotes that usage of exchange facilities in Intrastate service for the purpose of calculating chargeable usage. On the originating end of an intrastate call, usage is measured from the time the origination End User's call is delivered by the Company and acknowledged as received by the Customer's facilities connected with the originating exchange. On the terminating end of an intrastate call, usage is measured from the time the call is received by the End User in the terminating exchange. Timing of the usage at both originating and terminating end of an intrastate call shall terminate when the calling or called party disconnects, whichever event is recognized first in the originating and terminating end exchanges, as applicable. Those two times are measured by the receipt of a signal known as answer/disconnect supervision.

**Access Service Request (ASR)** - The industry service order format used by Access Service Customers and access providers as agreed to by the Ordering and Billing Forum.

**Access Services** - The Company's provision of intrastate Switched Access to the network of an Interexchange Carrier for the purpose of originating or terminating communications offered pursuant to this tariff.

**Answer/Disconnect Supervision** - The term "Answer/Disconnect Supervision" denotes the transmission of the switch trunk equipment supervisory signal (off-hook or on-hook) to the IXC point of connection for terminating calls to the exchange as an indication that the called party has answered or disconnected.

**Access Tandem** - An Exchange Carrier's switching system that provides a concentration and distribution function for originating or terminating traffic between local switching centers and Customers' premises.

**Authorized User** - A person, firm, corporation or other entity that either is authorized by the Customer to use Access Services or is placed in a position by the Customer, either through acts or omissions, to use Access Services.

**Carrier or Common Carrier** - See Interexchange Carrier or Exchange Carrier.

**Co-Carrier** - Any other Telecommunications provider authorized by the Commission to provide local exchange service in the state.

**Commission** - The Kentucky Public Service Commission.

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SECTION 9 (1)

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**SECTION 1 - DEFINITIONS, (Cont'd.)**

**Common Channel Signaling (CCS)** - A high-speed packet switched communications network which is separate (out of band) from the public packet switched and message networks. It is used to carry addressed signaling messages for individual trunk circuits and/or database related services between signaling points in the CCS network.

**Company** - Maxcess, Inc., issuer of this tariff

**Constructive Order** - Delivery of calls to or acceptance of calls from the Company's End User locations over Company-switched local exchange services constitutes a Constructive Order by the Customer to purchase Switched Access services as described herein. Similarly the selection by a Company's End User of the Customer as the presubscribed IXC constitutes a Constructive Order of Switched Access by the Customer.

**Customer** - The person, firm, corporation or other entity which orders Service and is responsible for the payment of charges and for compliance with the Company's tariff regulations. The Customer could be an interexchange carrier, a wireless provider, or any other carrier authorized to operate in the state.

**8XX Data Base Access Service** - The term "8XX Data Base Access Service" denotes a toll-free originating Trunkside Access Service when the 8XX Service Access Code (i.e., 800, 822, 833, 844, 855, 866, 877, or 888 as available) is used.

**End Office** - The term "End Office" denotes a local Telephone Company switching system where Telephone Exchange Service Customer station loops are terminated for purposes of interconnection to each other and to trunks.

**End User** - Any individual, association, corporation, governmental agency or any other entity other than an Interexchange Carrier which subscribes to intrastate service provided by an Exchange Carrier.

**Entrance Facility** - A trunk facility connecting the Customer's point of presence with the local switching center.

**Exchange Carrier** - Any individual, partnership, association, joint-stock company, trust, governmental entity or corporation engaged in the provision of local exchange telephone service.

**Firm Order Confirmation (FOC)** - Acknowledgment by the Company of receipt of an Access Service Request from the Customer and commitment by the Company of a Service Date.

**Individual Case Basis** - A service arrangement in which the regulations, rates and charges are developed based on the specific circumstances of the Customer's situation.

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Issued: November 16, 2000

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DEC 16 2000  
PUBLIC SERVICE COMMISSION  
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SECTION 16  
Effective: December 16, 2000

KYA0001

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**SECTION 1 - DEFINITIONS, (Cont'd.)**

**Interexchange Carrier (IXC)** - Any individual, partnership, association, joint-stock company, trust, governmental entity or corporation engaged in state or foreign communication for hire by wire or radio, between two or more exchanges.

**Intrastate Communications** - The term "Intrastate Communications" denotes any communications in Kentucky subject to oversight by the Kentucky Public Service Commission as provided by the laws of the State.

**LATA (Local Access and Transport Area)** - A local access and transport area established pursuant to the Modification of Final Judgment entered by the United States District Court for the District of Columbia in Civil Action No. 82-0192 for the provision and administration of communications services.

**Line Information Data Base (LIDB)** - The data base which contains base information such as telephone numbers, calling card numbers and associated billed number restriction data used in connection with the validation and billing of calls.

**Local Access** - The connection between a Customer's premises and a point of presence of the Exchange Carrier.

**Local Switching Center** - The switching center where telephone exchange service Customer station Channels are terminated for purposes of interconnection to each other and to interoffice Trunks.

**Local Traffic** - Traffic is "Local Traffic" under this tariff if: (i) the call originates and terminates in the same exchange area; or (ii) the call originates and terminates within different Maxcess Exchanges that share a common mandatory local calling area, e.g., a mandatory Extended Local Calling Service (ELCS) or Extended Area Service areas (EAS) or other like types of mandatory local calling scopes.

**Maxcess** - Maxcess, Inc., issuer of this tariff.

**Meet Point** - A point of interconnection that is not an end office or tandem.

**Meet Point Billing** - The arrangement through which multiple Exchange Carriers involved in providing Access Services, divide the ordering, rating, and billing of such services on a proportional basis, so that each Exchange Carrier involved in providing a portion of the Access Service agrees to bill under its respective tariff.

**Mobile Telephone Switching Office** - Location where the wireless Customer maintains a facility for purposes of interconnecting to the Company's Network.

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Tallahassee, Florida 32301

Effective: December 16, 2000  
EQUANT TO 807 KAR 5.011  
SECTION 9 (1)  
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SECRETARY OF THE COM. KYA0001

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**SECTION 1 - DEFINITIONS, (Cont'd.)**

**Mutual Traffic Exchange** - A compensation arrangement between certified local exchange service providers where local exchange service providers pay each other "in kind" for terminating local exchange traffic on the other's network.

**Network Services** - The Company's telecommunications Access Services offered on the Company's Network.

**Non-Recurring Charges** - The one-time initial charges for services or facilities, including but not limited to charges for construction, installation, or special fees, for which the Customer becomes liable at the time the Service Order is executed.

**OEAS (Optional Expanded Area Service Traffic)** - Optional service often available in large urban areas financed by separate charge to end users who elect the service as defined by a tariff approved by the Commission.

**Off-Hook** - The active condition of Switched Access or a telephone exchange service line.

**On-Hook** - The idle condition of Switched Access or a telephone exchange service line.

**Out of Band Signaling** - An exchange access signaling feature which allows customers to exchange call control and signaling information over a communications path which is separate from the message path.

**Point of Presence** - Location where the Customer maintains a facility for purposes of interconnecting to the Company's Network.

**Premises** - The space occupied by a Customer or Authorized User in a building or buildings or on contiguous property (except railroad rights-of-way, etc.).

**Presubscription** - An arrangement whereby an End User may select and designate to the Company an Interexchange Carrier (IXC) or Carriers it wishes to access, without an Access Code, for completing both intraLATA toll calls and/or interLATA calls. The selected IXC(s) are referred to as the End User's Primary Interexchange Carrier (PIC).

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EFFECTIVE

DEC 16 2000

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**SECTION 1 - DEFINITIONS, (Cont'd.)**

**Recurring Charges** - The monthly charges to the Customer for services, facilities and equipment, which continue for the agreed upon duration of the service.

**Service Order** - The written request for Network Services executed by the Customer and the Company in a format devised by the Company; or, in the alternative, the submission of an Access Service Request by the Customer in the manner specified in this tariff.

**Service(s)** - The Company's telecommunications Access Services offered on the Company's Network.

**Signaling System 7 (SS7)** - The common channel out of band signaling protocol developed by the Consultative Committee for International Telephone and Telegraph (CCITT) and the American National Standards Institute (ANSI).

**Switched Access (Service)** - Access to the switched network of an Exchange Carrier for the purpose of originating or terminating communications. Switched Access is available to carriers, as defined in this tariff.

**Trunk** - A communications path connecting two switching systems in a network, used in the establishment of an end-to-end connection.

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KYA0001

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**SECTION 2 - RULES AND REGULATIONS****2.1 Description of Service**

The access services to be provided under this tariff shall consist of Switched Access services offered by the Company.

Switched Access service provides a two-point electrical communications path between a Customer's premises and an End User's premises. It provides for the use of common terminating, switching and trunking facilities of the Company. Switched Access Service provides for the ability to originate calls from an End User's premises to a Customer's premises in the LATA where it is provided.

**2.2 Limitations of Service**

**2.2.1** The furnishing of service under this tariff is subject to the availability of the necessary Company facilities as well as facilities the Company may obtain from other carriers to furnish service from time to time as required at the sole discretion of the Company.

**2.2.2** The Company reserves the right to discontinue furnishing service, upon written notice, when necessitated by conditions beyond its control, or when the customer is using the service in violation of the provisions of this tariff, including non-payment of any sum due the Company, or in violation of the law.

**2.3 Use of Service**

**2.3.1** Service shall not be used for any purpose or in any manner directly or indirectly in violation of the law or in aid of any unlawful act or undertaking.

**2.3.2** Service, or rights associated therewith, shall not be assigned or in any manner transferred, except with the prior written permission of the Company, subject to applicable Kentucky law.

PUBLIC SERVICE COMMISSION  
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EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

BY: *Stephan B. Bue*

Effective: December 16, 2000

Issued: November 16, 2000

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KYA0001

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**SECTION 2 - RULES AND REGULATIONS, (Cont'd.)****2.4 Terms and Conditions**

- 2.4.1** Service is provided and billed on the basis of a minimum period of one month. For the purpose of computing charges and credit allowances in this tariff, every month is considered to have 30 days.
- 2.4.2** The service offered on a twenty-four hour per day, seven day per week basis.
- 2.4.3** Customers may be required to enter into written service orders which shall contain or reference the name(s) of the customer(s) desiring to use the service, a specific description of the service ordered, the rates to be charged, the duration of the services, and the terms and conditions in this tariff. Customers will also be required to execute any other documents as may be reasonably requested by the Company.
- 2.4.4** At the expiration of the initial term specified in each service order, or in any extension thereof, service shall continue on a month to month basis at the then current rate unless terminated by either party upon 30 days' written notice. Any termination shall not relieve customer of its obligation to pay any charges incurred under the service order and this tariff prior to termination. The rights and obligations which by their nature extend beyond the termination of the term of the service order shall survive such termination.
- 2.4.5** The Customer may order switched access through a Constructive Order, as defined herein, or through an Access Service Request (ASR). The format and terms of the ASR will be as specified in the Industry Access Service Order Guidelines, unless otherwise specified herein.
- 2.4.6** Customers seeking to cancel service have an affirmative obligation to block traffic originating from or terminating to the Company's network. By originating traffic from or originating traffic to the Company's network, the Customer will have constructively ordered the Company's Switched Access service.

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**SECTION 2 - RULES AND REGULATIONS, (Cont'd.)****2.5 Liability and Indemnification**

- 2.5.1** The Company shall not be liable for damages arising out of mistakes, omissions, interruptions, delays or errors, or defects in transmission occurring in the course of furnishing service hereunder where the same is caused by negligence of the customer.
- 2.5.2** Any liability of the Company for damages arising out of any of the foregoing or for failing to maintain proper standards of maintenance and operation or for failing to exercise reasonable supervision shall in no event exceed an amount equivalent to the proportionate charge to the customer for the period of service during which such mistake, omission, interruption, delay or error or defect in transmission occurs.
- 2.5.3** The Company does not guarantee or make any warranty with respect to equipment provided by it for use in an explosive atmosphere. The customer shall indemnify and hold the Company harmless from any and all loss, claims, suits, or other action, or any liability whatsoever, whether suffered, made instituted or asserted by the customer or by any other party or person, and for any loss, damage or destruction of any property, whether owned by the customer or others, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of said equipment so provided.
- 2.5.4** The Company is not liable for any defacement of or damage to the premises of customer resulting from the furnishing of facilities or the attachment of the instruments, apparatus and associated wiring furnished by the Company on such premises or by the installation or removal thereof, where such defacement or damage is not the result of negligence of the agents or employees of the Company.
- 2.5.5** The Company shall be indemnified and saved harmless by the customer against:
- A.** Claims for libel, slander and infringement of copyright arising from the material transmitted over the facilities.
  - B.** Claims for infringement of patents arising from combining with, or using the connection with, facilities furnished by the Company, and systems or apparatus of the customer; and
  - C.** All other claims arising out of any act or omission of the customer in connection with the facilities provided by the Company.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 500.1  
EFFECTIVE: December 16, 2000

Issued: November 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
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KYA0001

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## SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

## 2.5 Liability and Indemnification, (Cont'd.)

## 2.5.5 (cont'd.)

- D. The Company shall not be liable for any delay or failure of performance or equipment due to causes beyond its control, including but not limited to: acts of God, fire, flood, explosion or other catastrophes; any law, order, regulation, direction action, or request of The United States government or of any other government, including state and local governments having or claiming jurisdiction over the Company, or of any department, agency, commission, bureau, corporation, or other instrumentality of any one or more of these federal, state, or local governments, or of any military authority; preemption of existing service in compliance with national emergencies; insurrections; riots; wars; unavailability of rights-of-way or materials; or strikes, lockouts, work stoppages, or other labor difficulties.
- E. The Company shall not be liable for (a) any act or omission of any entity furnishing the Company or the Company's Customers facilities or equipment used for the interconnection with Access Services; or (b) for the acts or omissions of other Common Carriers.
- F. The Company shall not be liable for any damages or losses due to the fault or negligence of the Customer or due to the failure or malfunction of Customer-provided equipment or facilities.
- G. The Customer shall indemnify and hold the Company harmless from any and all loss, claims, demands, suits, or other actions, or any liability whatsoever, whether suffered, made, instituted, or asserted by any other party or person(s), and for any loss, damage, or destruction of any property, whether owned by the Customer or others, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, removal, condition, location, or use of any installation or equipment provided by the Company. The Company reserves the right to require each Customer to sign an agreement acknowledging acceptance of the provisions of this Section 2.5 as a condition precedent to such installations.

PUBLIC SERVICE COMMISSION  
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EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 50.11,  
SECTION 9(1)

By: *Stephan O. Ford*  
Effective: December 16, 2000

Issued: November 16, 2000

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SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

2.5 Liability and Indemnification, (Cont'd.)

2.5.5 (cont'd.)

- H. The entire liability of the Company for any claim, loss, damage or expense from any cause whatsoever shall in no event exceed sums actually paid to the Company by the Customer for the specific services giving rise to the claim, and no action or proceeding against the Company shall be commenced more than one year after the service is rendered.
- I. The Company makes no warranties or representation, express or implied, including warranties or merchant's ability or fitness for a particular use, except those expressly set forth herein.
- J. The Company shall not be liable for any act or omission of any other company or companies furnishing a portion of the service, or for damages associated with service, Channels, or equipment which result from the operation of Customer-provided systems, equipment, facilities or service which are interconnected with Company services.

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## SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

**2.6 Cancellation of Service by Customer**

- 2.6.1** Service may be terminated at any time upon 30 days' written notice from the customer to the Company. Upon such termination, the customer shall be responsible for the payment of all charges due. This includes all charges due for the period service has been rendered plus any unexpired portion of a fixed term specified in the service order where a fixed term discount has been applied.
- 2.6.2** If service has not commenced but (i) construction of a facility for the purpose of providing service to the customer has begun, pursuant to a service order approved by the customer, or (ii) expenditures have been made or liabilities incurred in negotiating, planning or designing service to the customer, all such costs incurred by the Company shall be reimbursed by the customer to the Company. The costs shall not exceed the total charges due for the service term specified in the service order.
- 2.6.3** Where customer cancels an application for service prior to the start of installation or special construction of facilities as described in Section 2.6.2 preceding, no charges apply.

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**SECTION 2 - RULES AND REGULATIONS, (Cont'd.)****2.7 Payment and Billing**

- 2.7.1** To safeguard its interests, the Company may require a Customer to make a deposit to be held as a guarantee for the payment of charges. A deposit does not relieve the Customer of the responsibility for the prompt payment of bills on presentation. Any request for deposit will be in accordance with the deposit rules as set out in Chapter 515-12-1-.05 of the Kentucky Public Service Commission Rules governing telephone service and shall not exceed two-and-one-half twelfths of the estimated charge for the service for the ensuing twelve months.
- 2.7.2** The customer is responsible for payment of all charges for services furnished to the customer. Charges for installation, physical or administrative charges, expedites, or for cancellation of orders are payable upon completion. Recurring charges are billed in advance.
- 2.7.3** Bills are due and payable upon receipt. Interest at the rate of 1.5% per month will accrue upon any unpaid amount commencing 30 days after the date of billing.
- 2.7.4** Upon any failure by customer to pay any fee billed (including late charges). The Company shall have the option to terminate service upon five (5) days written notice before the proposed date of disconnection.
- 2.7.5** Where facilities are not available, and unusual expenditures are involved in making them available, customer may be required to pay additional charges to cover the unusual expenditures, or to contract for service beyond the initial period, or both.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5:011,  
SECTION 9 (1)  
BY: Stephan B. Bell  
SECRETARY OF THE COMMISSION

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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## SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

**2.8. Inspection, Testing and Adjusting**

- 2.8.1** The customer shall allow and shall be responsible for obtaining permission for the Company's agents or employees to enter the premises of the customer at any reasonable hour for the purpose of installing, inspecting, repairing or, upon termination of services, removing the facilities and equipment of the Company.
- 2.8.2** Upon reasonable notice, the facilities provided by the Company, and located on the customer premise, shall be made available to the Company by the customer for such tests and adjustments as may be necessary for preventive maintenance purposes. No interruption allowance will be made for the period during which the service is interrupted for such purposes.
- 2.8.3** The Company may, upon reasonable notice, make such tests and inspections as may be necessary to determine that the requirements of this tariff are being complied with in the installation, operation, or maintenance of the customer's or the Company's equipment. The Company may interrupt the service at any time as necessary without penalty to itself, because of departure from any of these requirements.

**2.9 Terminal Equipment**

- 2.9.1** The Company will maintain and repair any equipment which is furnished hereunder. The customer may not rearrange, disconnect, remove, or attempt to repair any equipment installed by the Company without prior written consent of the Company.
- 2.9.2** The Company shall not be responsible for installation, operation or maintenance of any terminal equipment or communications systems provided by customer. Service is not represented as adapted to the use of such equipment.
- 2.9.3** The customer shall be responsible for ensuring compatibility of equipment and systems provided by the customer with the equipment provided and/or approved by the Company.
- 2.9.4** The customer is responsible for all costs, which may include the expenses of customer personnel, electrical power, etc. at its premises in the provision of the service described herein.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 8(1)BY Stephan D. R. 16  
Effective: December 16, 2000

Issued: November 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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## SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

**2.10 Allowance for Interruptions**

- 2.10.1** Credit allowances shall be applied as follows, subject to the provisions set forth in Section 2.5 preceding, relating to liability and limitations on liability.
- 2.10.2** When service is interrupted, a credit allowance will be made after the interruption is reported by the customer based on the monthly charge, and the length of the interruption except as set forth in Section 2.10.4
- 2.10.3** An "Interruption" means any two (2) second interval with a complete interruption of transmission or a bit error rate worse than  $1 \times 10^{-9}$  for a particular Service Order. In the event of an Interruption of service, allowance for the period of Interruption if not due to the fault or negligence of the customer, shall be as follows:
- 2.10.4** No credit shall be allowed for an interruption of six (6) hours or less in the case of a Catastrophic Interruption, or of two (2) hours or less in the case of a Non-Catastrophic Interruption. Customer shall be credited for an interruption in excess of six (6) hours or two (2) hours, as the case may be, at the rate of 1/1440 of the monthly rate or charge applicable to the service which is interrupted for each half hour or fraction thereof that an Interruption continues. Such Interruption shall be measured from (i) the time of notice by customer to Company that an Interruption has occurred to (ii) the time of restoration. For purposes of the foregoing, "Catastrophic Interruption" means a complete cable cut, an equipment enclosure fire, an explosion or any other circumstance of an extraordinary and catastrophic nature; and "Non-Catastrophic Interruption" means all interruptions other than Catastrophic Interruptions.
- 2.10.5** An Interruption allowance shall not be applicable for any period during which customer fails to afford access to any of its facilities for the purpose of investigating and clearing troubles or for any period of routine system maintenance.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9(1)  
BY: Stephan D. Bell  
SECRETARY OF THE COMMISSION

---

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

2.10 Allowance for Interruptions, (Cont'd)

2.10.6 Circumstances which disqualify the customer for a credit allowance include the following:

- A. Interruptions due to the negligence of the customer.
- B. Interruptions of service due to the failure of facilities provided by the customer.
- C. Interruptions of service during any period which the Company is not afforded access to the premises at which service is terminated.
- D. Interruptions of service during a period in which the customer continues to use the service on an unpaired basis.
- E. Interruptions of service during any period when the customer has released service to the Company for maintenance purposes or for implementation of a customer order for a change in service arrangements.
- F. Interruption of service due to circumstances or causes beyond the control of the Company.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)  
BY: Stephan Bill  
SECRETARY OF THE COMMISSION

---

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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## SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

**2.11 Special Construction**

**2.11.1** Construction charges may apply when one or more of the following conditions are present and the customer's request for service requires:

- A. Facilities of a type other than that which the Company would normally use in order to provide service for the customer;
- B. A greater quantity of facilities than the Company would otherwise construct in order to fulfill the customer's initial requirements for service;
- C. Routing of facilities other than the Company would normally use in order to provide service for the customer;
- D. The Company to expedite construction of the facilities at greater expense than would otherwise be incurred.
- E. Construction for temporary service and there is no immediate prospect of reusing the facilities provided.

**2.11.2 Basis for Charges**

Basis for Charges where the Company furnishes a facility or service for which a rate or charge is not specified in the Company's tariffs, charges will be based on the costs incurred by the Company (including return) and may include:

- A. nonrecurring charges;
- B. recurring charges;
- C. termination liabilities; or
- D. combinations of (a), (b), and (c).

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OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)  
BY: Stephan D. Bell  
SECRETARY OF THE COMMISSION

---

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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## SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

## 2.11 Special Construction, (Cont'd.)

## 2.11.3 Termination Liability

To the extent that there is no other requirement for use by the Company, a termination liability may apply for facilities specially constructed at the request of a customer.

- A. The period on which the termination liability is based is the estimated service life of the facilities provided.
- B. The amount of the maximum termination liability is equal to the estimated amounts (including return) for:
  - 1. Costs to install the facilities to be provided including estimated costs for the rearrangements of existing facilities. These costs include:
    - (a) equipment and materials provided or used;
    - (b) engineering, labor, and supervision;
    - (c) transportation; and
    - (d) rights of way and/or any required easements;
  - 2. license preparation, processing, and related fees;
  - 3. tariff preparation, processing and related fees;
  - 4. cost of removal and restoration, where appropriate; and
  - 5. related to the specially constructed or rearranged facilities.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

BY: Stephan D. Bell  
SECRETARY OF THE

Issued: November 16, 2000

Effective: December 16, 2000 -

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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**SECTION 2 - RULES AND REGULATIONS, (Cont'd.)****2.12 Obligations of the Company**

The Company has certain obligations pertaining only to the provision of Switched Access Service. These obligations are as follows:

**2.12.1 Network Management**

The Company will administer its network to provide acceptable service levels to all telecommunications users of the Company's network services. Generally, service levels are considered acceptable only when both End Users and Customers are able to establish connections with little or no delay encountered within the Company's network. The Company maintains the right to apply protective controls, i.e., those actions, such as call gapping, which selectively cancel the completion of any traffic carried over its network, including that associated with a Customer's Switched Access Service. Generally, such protective measures would only be taken as a result of occurrences such as a failure or overload of Company or customer facilities, natural disasters, mass calling or national security demands.

**2.12.2 Design and Traffic Routing of Switched Access Service**

The Company shall design and determine the routing of Switched Access Service, including the selection of the first point of switching and the selection of facilities from the interface to any switching point and to the end offices where busy hour minutes of capacity are ordered. The Company shall also decide if capacity is to be provided by originating only, terminating only, or two-way trunk groups. Finally, the Company will decide whether trunk side access will be provided through the use of two-wire or four-wire trunk terminating equipment. Selection of facilities and equipment and traffic routing of the service are based on standard engineering methods, available facilities and equipment and the Company's traffic routing plans. If the Customer desires different routing or directionality than that determined by the Company, the Company will work cooperatively with the Customer in determining (1) whether the service is to be routed directly to an end office or through an access tandem switch and (2) the directionality of the service.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

BY: Stephan B. Bell  
SECRETARY OF THE COMMISSION

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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**SECTION 2 - RULES AND REGULATIONS, (Cont'd.)****2.12 Obligations of the Company, (Cont'd)****2.12.3 Provisions of Service Performance Data**

Subject to availability, end-to-end service performance data available to the Company through its own service evaluation routines, may also be made available to the Customer based on previously arranged intervals and format. The data provides information on overall end-to-end call completion and non-completion performance e.g., Customer equipment blockage, failure results and transmission performance. The data does not include service performance data which is provided under other tariff sections, e.g., testing service results. If data is to be provided in other than paper format, the charges for such exchange will be determined on an individual case basis.

**2.12.4 Trunk Group Measurements Reports**

Subject to availability, the Company will make available trunk group data in the form of usage in CCS, peg count and overflow to the Customer based on previously agreed to intervals.

**2.12.5 Intercept**

The Company arranges to provide for the termination of a call to a Company intercept operator or recording at the dedicated intercept network from the end office switch. The operator or recording announces to caller the reason why the call cannot be completed, and if possible, provides corrected dialing instructions.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)  
BY: Stephan Bui  
SECRETARY OF THE COMMISSION

---

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
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Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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## SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

**2.13 Obligations of the Customer**

The Customer has certain specific obligations pertaining to the use of Switched Access Service. These obligations are as follows:

**2.13.1 Report Requirements****A. Jurisdictional Reports**

No pro-rating or back-billing will be done based on the report. The Company may require call detail records to substantiate projected interstate usage provided to the Company. In the event that the required jurisdictional report is not provided, the Company recorded or estimated percentage of interstate usage will be applied to the bill.

The Company may request this detailed information annually. If the audit results represent a substantial deviation from the Customer's previously reported PIU for the period upon which the audit was based, the call detail records may be requested more than once annually.

**B. Code Screening Reports**

When a Customer orders service call routing, trunk access limitation or call gapping arrangements, it must report the number of trunks and/or the appropriate codes to be instituted in each end office or access tandem switch, for each of the arrangements ordered.

The Company will administer its network in such a manner that the impact of traffic surges due to peaked 900 Access Service traffic on other access service traffic is minimized. Network management controls as defined in Section 2.12.1 may be implemented at the Company option to ensure acceptable service levels.

**2.13.2 On and Off-Hook Supervision**

The Customer facilities shall provide the necessary on and off-hook supervision for accurate timing of calls.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

Issued: November 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

PURSUANT TO 307 KAR 5-000  
Effective: December 16, 2000  
BY *Stephanie*  
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KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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## SECTION 2 - RULES AND REGULATIONS, (Cont'd.)

## 2.13 Obligations of the Customer, (Cont'd.)

## 2.13.3 Trunk Group Measurements Reports

With the agreement of the Customer, trunk group data in the form of usage in CCS, peg count and overflow for its end of all access trunk groups, where technologically feasible, will be made available to the Company. The data will be used to monitor trunk group utilization and service performance and will be based on previously arranged intervals and format.

## 2.13.4 Mixed Interstate and Intrastate Access Service

When mixed interstate and intrastate Access Service is provided, all charges, including nonrecurring charges, usage charges, and optional features, will be prorated between interstate and intrastate. The percentage provided in the reports as set forth in 2.13.1 will serve as the basis for prorating the charges. The percentage of an Access Service to be charged as intrastate is applied in the following manner:

- A. For nonrecurring chargeable rate elements, multiply the percent intrastate use times the quantity of chargeable elements times the state tariff rate per element.
- B. For usage sensitive chargeable rate elements, multiply the percent intrastate use times actual use (measure or Company assumed average use) times the stated rate.

## 2.13.5 Meet Point Billing

Meet Point Billing applies when more than one Exchange Telephone Company is involved in the provision of Access Service. The Company shall provide terminations at its switches/access tandems for origination and termination of carrier access calls to and from interexchange carriers and the Customer. These calls will be billed under Meet Point Billing arrangements for inter LATA and carrier access traffic. The Customer must establish separate trunk groups for traffic handled under Meet Point Billing arrangements. The Customer must provide call detail in standard industry format to the Company for calls exchanged or completed under Meet Point Billing arrangements. The rates and charges are set forth in Section 3 of this tariff.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

BY: Stephan P. Ray  
Effective: December 16, 2000

Issued: November 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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 COMPETITIVE ACCESS PROVIDER SERVICES TARIFF
 

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## SECTION 3 - SERVICE DESCRIPTIONS AND RATES

## 3.1 Automatic Number Identification

## 3.1.1 General

This option provides the automatic transmission of a seven or ten digit number and information digits to the Customer's premises for calls originating in the LATA, to identify the calling station. The ANI feature, which is a software function, will be associated on a call-by-call basis with (1) all individual transmission paths in a trunk group routed directly between an end office and a Customer's premises or, where technically feasible, with (2) all individual transmission paths in a trunk group between an access tandem and a Customer's premises.

Additional ANI information digits are available with Feature Group D only. These information digits will be transmitted as agreed to by the Customer and the Company.

## 3.1.2 Up to 7 Digit Outpulsing of Access Digits to Customer

This Option provides for the end office capability of providing up to 7 digits of the uniform access code (950-10XX) to the Customer premises. The Customer can request that only some of the digits in the access code be forwarded. The access code digits would be provided to the Customer premises location using multifrequency signaling, and transmission of the digits would precede the forwarding of ANI if that feature were provided. It is available with Feature Group B.

The Company will provide Automatic Number Identification (ANI) associated with an intrastate service, by tariff, to any entity (ANI recipient), only under the following terms and conditions:

- A. The ANI recipient or its designated billing agent may use or transmit ANI information to third parties for billing and collection, routing, screening, ensuring network performance, and completion of a telephone subscriber's call or transaction, or for performing a service directly related to the telephone subscriber's original call or transaction, or for performing a service directly related to the telephone subscriber's original call or transaction.
- B. The ANI recipient may offer to any telephone subscriber with whom the ANI recipient has an established Customer relationship, a product or service that is directly related to products or service previously purchased by the telephone subscriber from the ANI recipient.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

Issued: November 16, 2000

Effective: December 16, 2000  
PURSUANT TO 807 KAR 5.011,

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

SECTION 9 (1)  
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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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**SECTION 3 - SERVICE DESCRIPTIONS AND RATES****3.1 Automatic Number Identification, (Cont'd)****3.1.2 Up to 7 Digit Outpulsing of Access Digits to Customer, (cont'd.)**

- C. The ANI recipient or its designated billing agent is prohibited from utilizing ANI information to establish marketing lists or to conduct outgoing marketing calls, except as permitted by the preceding paragraph, unless the ANI recipient obtains the prior written consent of the telephone subscriber permitting the use of ANI information for such purposes. The foregoing provisions notwithstanding, no ANI recipient or its designated billing agent may utilize ANI information if prohibited elsewhere by law.
- D. The ANI recipient or its designated billing agent is prohibited from reselling, or otherwise disclosing ANI information to any other third party for any use other than those listed in Provision 1, unless the ANI recipient obtains the prior written consent of the subscriber permitting such resale or disclosure.
- E. Violation of any of the foregoing terms and conditions by any ANI recipient other than a Telephone Company shall result in suspension of the transmission of ANI by the Company until such time as the Company receives written confirmation from the ANI recipient that the violations have ceased or have been corrected. If the Company determines that there have been three or more separate violations in a 24 month period, delivery of ANI to the offending party shall be terminated.
- F. The ten digit ANI telephone number is only available with Feature Group D. The ten digit ANI telephone number consists of the Numbering Plan Area (NPA) plus seven digit ANI telephone number. The ten digit ANI telephone number will be transmitted on all calls except in the case of ANI failure, in which case only the NPA will be transmitted (in addition to the information digit described below).
- G. When ANI cannot be provided, information digits will be provided to the Customer. The information digits identify: (1) telephone number is the station billing number - no special treatment required, (2) ANI failure has occurred in the end office switch which prevents identification of calling telephone number - must be obtained by operator or in some other manner. The ANI telephone number is the listed telephone number of the Customer and is not the telephone number of the calling party.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

**DEC 16 2000**

Issued: November 16, 2000

PURSUANT TO 807 KAR 6.011

SECTION 9 (1) Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

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KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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**SECTION 3 - SERVICE DESCRIPTIONS AND RATES****3.2 Rate Categories****3.2.1 Entrance Facility**

The Entrance Facility provides the communications path between a customer designated premises and the service wire center of that premises. Included as a part of the Entrance Facility is a standard channel interface arrangement which defines the technical characteristics associated with the type of facilities which the access service is to be connected at the customer designated premises and the type of signaling capability, if any.

Three types of Entrance Facility are available: (1) Voice Grade 2 or 4 wire (an analog channel with an approximate bandwidth of 300 to 3000 Hz), (2) High Capacity DS1 (an isochronous serial digital channel with a rate of 1.544 Mbps) and (3) High Capacity DS3 (an isochronous serial digital channel with a rate of 44.736 Mbps).

**3.2.2 Direct Trunked Transport**

Direct Trunked transport provides the communication path between the serving wire center of a customer's premises and an end office or between the serving wire center and an access tandem when transport from the access tandem to the end office is routed on circuits used in common by multiple access customers. Direct-Trunked Transport is dedicated to the use of a single customer and does not require switching at an access tandem. Direct-Trunked Transport is available for use with all line side and trunk side Switched Access services.

Direct-Trunked Transport provides for the transmission facilities between the Telephone Company's serving wire center and an end office when such facilities are not switched through an access tandem, or between the Telephone company's serving wire center and the access tandem. This includes the transmission medium itself as well as certain circuit equipment that is used at the ends of the interoffice links and employed to provision the channels on the transmission medium and circuit equipment used within the network to manage the circuits to intermediate locations.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

BY: Stephan Bell  
SECRETARY OF THE COMMISSION

---

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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**SECTION 3 - SERVICE DESCRIPTION AND RATES, (Cont'd.)****3.2 Rate Categories, (Cont'd.)****3.2.3 Tandem Switched Transport**

Tandem Switching Transport may consist of Tandem Switched Facility, Tandem Switched Termination and Tandem Switching. The rates are applied as follows:

**A. Tandem Switched Facility**

The Tandem Switched Facility rate provides the transmission facilities between the access tandem and the end office that subtends that access tandem. The Tandem Switched Facility rate may also apply to traffic carried between a host office and its remote switching system or remote switching module. The Tandem Switched Facility rate is applied on a per access minute per mile basis for all originating and terminating minutes routed over the facility.

**B. Tandem Switched Termination**

The Tandem Switched Termination element provides for the circuit equipment necessary for the termination of each end of each measured segment of the Tandem Switched Facility. The Tandem Switched Termination rate is applied on a per access minute basis for all originating and terminating minutes routed over the facility. The Tandem Switched Termination rate may also apply to traffic carried between a host office and its remote switching system or remote switching module. When the Tandem Switched Facility mileage is zero, neither the Tandem Switched Facility nor the Tandem Switched Termination rate will apply.

**C. Tandem Switching**

Tandem Switching provides for the switching of traffic through the access tandem. It is applied on a per minute basis for all originating and terminating minutes of use switched through the tandem.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

BY Stephan B. Bell  
SECRETARY OF THE COMMISSION

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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**SECTION 3 - SERVICE DESCRIPTION AND RATES, (Cont'd.)****3.2 Rate Categories, (Cont'd.)****3.2.4 Local Switching**

Local Switching provides for the local end office switching associated with the various Switched Access arrangements provided.

**3.2.5 Carrier Common Line**

The Company will provide Carrier Common Line Access Service to Customers in conjunction with Switched Access Service provided in Section 3 of this tariff. Carrier Common Line provides for the use of End Users' Company-provided common lines by Customers for access to such End Users to furnish Intrastate Communications.

**A. Limitations**

No telephone number or detailed billing will be provided with Carrier Common Line Access. Directory listings and intercept arrangements are not included in the rates and charges for Carrier Common Line Access.

**B. Application of Rates**

Intrastate rates apply only to that portion of Carrier Common Line Service provided for intrastate usage. Jurisdictional reporting is required as described in Section 2.13.1 of this tariff.

**C. Rates and Charges**

Per access minute.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5011,  
SECTION 9 (1)  
BY: Stephan B. Bell  
SECRETARY OF THE COMMISSION

---

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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**SECTION 3 - SERVICE DESCRIPTION AND RATES, (Cont'd.)**

**3.2 Rate Categories, (Cont'd.)**

**3.2.6 Toll Free Number Data Base Access Service**

This service provides access on a per query basis to the Toll Free Number Data Base for the purpose of routing end user dialed toll free number calls (i.e. 800/888) to the Customer.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)  
BY: Stephanie Bell  
SECRETARY OF THE COMMISSION

---

Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
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Tallahassee, Florida 32301

KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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**SECTION 3 - SERVICE DESCRIPTION AND RATES, (Cont'd.)****3.3 Rate Regulations**

This section contains the specific regulations governing the rates and charges that apply for Switched Access Service. Access charges are applied on a per access minute basis. Access minute charges are accumulated over a monthly period.

**3.3.1 Minimum Periods**

Switched Access Service is provided for a minimum period of one month.

**3.3.2 Cancellation of Access Service Request**

A Customer may cancel an Access Service Request for their installation of service on any date prior to notification by the Company that service is available for the Customer's use or prior to the service date, whichever is later. The cancellation date is the date the Company receives written or verbal notice from the Customer that the order is to be canceled. The verbal notice must be followed by written confirmation within 10 days. If a Customer or End User is unable to accept Access Service within 30 calendar days of the original service date, the Access Service Request will be canceled and applicable charges will apply.

**A. Prior to Firm Order Confirmation Date**

If an Access Order is canceled prior to the Firm Order Confirmation Date, no charges will apply.

**B. On or After Firm Order Confirmation Date**

If an Access Service Request is canceled on or after the Firm Order Confirmation Date, the Customer will be billed a flat cancellation fee.

Cancellation Fee	\$50.00
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EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5:011,  
SECTION 9(1)  
BY: Stephan Bull  
SECRETARY OF THE COMMISSION

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Issued: November 16, 2000

Effective: December 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
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KYA0001

## COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

## SECTION 3 - SERVICE DESCRIPTION AND RATES, (Cont'd.)

## 3.4 Rates and Charges

## 3.4.1 Switched Access

## A. Originating 101XXXX FG Access:

LATA	Rate per MOU	
All	Tandem Connect	Direct Connect
	\$0.005014	\$0.002244

## B. Terminating FG Access:

LATA	Rate per MOU	
All	Tandem Connect	Direct Connect
	\$0.005014	\$0.002244

## C. Originating 8XX FG Access (in addition to Originating 101XXXX usage charges):

LATA	Rate per Query	
All	Tandem Connect	Direct Connect
	\$0.004210	\$0.004210

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EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5:011,  
SECTION 9 (1)  
BY: *Stephan D. Bell*  
SECRETARY OF THE COMMISSION

Issued: November 16, 2000

Effective: December 16, 2000

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KYA0001

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COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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**SECTION 3 - SERVICE DESCRIPTION AND RATES, (Cont'd.)****3.4 Rates and Charges, (Cont'd)****3.4.2 Non-Recurring and Monthly Recurring Charges****A. Service Implementation/Installation Charge****1. Tandem Connect or Switched Transport (Per Trunk)**

First	ICB
Each Additional	ICB

**2. Direct Connect (Per DS-1)**

First	ICB
Each Additional	ICB

**B. Monthly Recurring Charges****1. Tandem Connect or Switched Transport (Per Trunk)**

First	N/A
Each Additional	N/A

**2. Direct Connect (Per DS-1)**

First	ICB
Each Additional	ICB

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EFFECTIVE

DEC 16 2000

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

BY: Stephanie Bell  
SECRETARY OF THE COMMISSION

Issued: November 16, 2000

Effective: December 16, 2000

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**SECTION 4 - SPECIAL ARRANGEMENTS****4.1 Non-Routine Installation and/or Maintenance**

- 4.1.1** At the customer's request, installation and/or maintenance may be performed outside the Company's regular business hours, or (in the Company's sole discretion and subject to any conditions it may impose) in hazardous locations. In such cases, charges based on the cost of labor, material, and other costs incurred by or charged to the Company will apply. If installation is started during regular business hours but, at the Customer's request, extends beyond regular business hours into time periods including, but not limited to, weekends, holidays, and/or night hours, additional charges may apply.

**4.2 Individual Case Basis (ICB) Arrangements**

- 4.2.1** Rates for ICB arrangements will be developed on a case-by-case basis in response to a bona fide request from a customer or prospective customer for services which vary from tariffed arrangements. Rates quoted in response to such requests may be different for tariffed services than those specified for such services in the Rate Attachment. ICB rates will be offered to customers in writing and will be made available to similarly situated customers. A summary of each ICB contract pricing arrangement offered pursuant to this paragraph will be filed as an addendum to this Tariff within 30 days after the contract is signed by both the Company and the customer. The following information will be included in the summary:

- A. LATA and type of switch
- B. Service description
- C. Rates and charges
- D. Quantity
- E. Length of the agreement.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

DEC 16 2000

PURSUANT TO 507 KAR 508  
SECTION 16  
Effective: December 16, 2000

By: Stephen J. Sullivan  
SECRETARY OF THE COMMISSION

Issued: November 16, 2000

By: Tracy Hatch, Director of Law and Government Affairs  
315 Calhoun Street, Suite 314  
Tallahassee, Florida 32301

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**COMPETITIVE ACCESS PROVIDER SERVICES TARIFF**

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**SECTION 5 - CONTRACTS AND INDIVIDUAL CASE BASIS ARRANGEMENTS****5.1 Contracts**

The Company may provide any of the services offered under this tariff, or combinations of services, to Customers on a contractual basis. The terms and conditions of each contract offering are subject to the agreement of both the Customer and Company. Such contract offerings will be made available to similarly situated Customers in substantially similar circumstances. Rates in other sections of this tariff do not apply to Customers who agree to contract arrangements, with respect to services within the scope of the contract.

**5.2 Individual Case Basis Arrangements**

Arrangements will be developed on an individual case basis (ICB) in response to a bona fide special request from a Customer or prospective Customer to develop a competitive bid for a service. ICB rates will be offered to the Customer in writing and on a non-discriminatory basis.

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DEC 16 2000  
PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)  
BY: Stephan B. Bell  
SECRETARY OF THE COMMISSION

---

Issued: November 16, 2000

Effective: December 16, 2000

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